## **REMARKS**

Claims 58-63 and 65-88 are pending in the present application. The Examiner has allowed claims 58-63 and 65-88. Claims 58, 62, 86 and 88 have been amended. No new matter has been added by these amendments.

Applicants respectfully request favorable consideration in light of the preceding amendments and following remarks.

The specification was objected to because of an informality regarding the Cross Reference to Related Applications. The specification has been amended to include a reference to U.S. Patent No. 6,676,697 B1 in the Cross Reference to Related Applications section.

Claims 58 and 62 were objected to because of informalities identified by the Examiner. Claims 58 and 62 have been amended as suggested by the Examiner to correct these informalities.

Claims 86 and 88 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserted that claims 86 and 88 are vague and indefinite because they are not distinguished over claims 85 and 87, respectively. Applicant has corrected the typographical error in claims 86 and 88 such that they now specify that the first type of set of strut members are disposed in a circumferentially extending row at the proximal end of the stent. Applicant respectfully submits that claims 86 and 88 as amended overcome the Examiner's indefiniteness rejection and are in condition for allowance.

Docket No. <u>4303-4050US2</u>

Serial No. 09/599,158

**CONCLUSION** 

Based on the foregoing amendments and remarks, applicant respectfully submits

that the pending claims in the present application are in condition for allowance.

<u>AUTHORIZATION</u>

The Patent and Trademark Office is hereby authorized to charge any fees that are

properly assessable to this case, or credit any overpayment to Deposit Account No. 13-4500,

Order No. <u>4303-4050US2</u>.

In the event that an extension of time is required, or which may be required in

addition to that requested in a petition for an extension of time, the Commissioner is requested to

grant a petition for that extension of time which is required to make this response timely and is

hereby authorized to charge any fee for such an extension of time or credit any overpayment for

an extension of time to Deposit Account No. 13-4500, Order No. 4303-4050US2. A

DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: September 23, 2004

Robert K. Goethals

Registration No. 36,813

MORGAN & FINNEGAN, L.L.P. 3 World Financial Center

New York, New York 10281-2101

(212) 415-8729 (Direct Dial)

(212) 415-8701 (Facsimile)